

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:10cv165

In re: MICHAEL D. BAXLEY,)	Bankruptcy Case
)	No. 10-10396
Debtor.)	
_____)	
)	
MICHAEL D. BAXLEY,)	
)	
Appellant,)	
)	
vs.)	<u>ORDER</u>
)	
NORTH MOUNTAIN ENTERPRISES,)	
LLC,)	
)	
Appellee.)	
_____)	

THIS MATTER is before the Court on the Debtor's appeal of the Order granting North Mountain Enterprises, LLC's Motion to Compel Assumption and Assignment of Lease Affecting Plan [Bankr. Case No. 10-10396, Doc. 44] entered by the Bankruptcy Court on August 6, 2010.

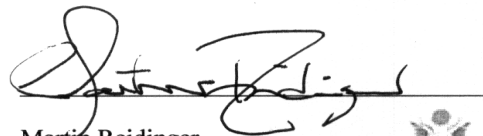
On January 5, 2011, the Bankruptcy Court entered an Order dismissing the underlying Chapter 13 proceeding on the grounds that the debtor failed to make a required payment to the Chapter 13 Trustee as

previously ordered. [Id., Doc. 68]. No appeal has been taken from that Order. As such, the Appellant's appeal is now moot.

Accordingly, **IT IS, THEREFORE, ORDERED** that this appeal is hereby **DISMISSED**.

IT IS SO ORDERED.

Signed: March 29, 2011



Martin Reidinger
United States District Judge

